

ConSultHR

Maternity User Guide

A Guide for Staff and Managers on Maternity Leave and Pay

This guidance applies to everyone who works in the Central Southern Commissioning Support Unit (CS CSU) or client organisation.

We hope this guidance answers most general questions that you might have.

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SECTION 1 – maternity benefits information and qualifying conditions

This information is intended for guidance only, and you should always refer to Section 15 of the Terms and Conditions of Service Handbook,

Maternity leave is the right to time off work to have your baby and the right to return to your post, or an alternative post, on no less favourable conditions.

During maternity leave (both paid and unpaid) you retain all your contractual rights, except remuneration.

Your entitlement to maternity provisions will vary according to your length of service with your organisation and the NHS. Your personal decision as to whether to return to work or not after your maternity leave will also affect your benefits.

You will have the right to take 52 weeks of maternity leave which is made up of 26 weeks **Ordinary Maternity Leave (OML)** followed by 26 weeks **Additional Maternity Leave (AML)**. AML may be transferred to another carer (see Section 2 below and the Paternity/Partner Leave and Pay Guidance).

Your unpaid maternity leave may be extended by local agreement in exceptional circumstances, for example, if you have sick, pre-term babies or multiple births.

Qualifying conditions

To qualify for maternity benefits you must satisfy the following conditions:

1. Continue to be employed until immediately before the beginning of the eleventh week before the expected week of childbirth for occupational maternity benefits (fifteenth week for statutory maternity benefits), and satisfy certain conditions of the Terms and Conditions of Service Handbook.
2. Notify the organisation before the end of the fifteenth week before the expected week of childbirth that you intend to take maternity leave and your intentions regarding returning to work afterwards, your expected date of childbirth and the date your maternity leave will start. This notification must be in writing using the Maternity Leave/Pay Application form ([see Appendix 2](#)).
3. Submit a statement from a registered medical practitioner or practising midwife, usually called your MAT B1 Certificate issued no earlier than 20 weeks before Expected Week of Childbirth (EWC), indicating the expected date of childbirth, not less than 28 days before the commencement of leave.

SECTION 2 – entitlements

Dependent upon your length of service and earnings (see below), any pay and benefit entitlements will be based on one of the following:

1. Occupational Maternity Pay (OMP) -in accordance with Section 15 of national T&Cs
2. Statutory Maternity Pay (SMP) - in accordance with legislation
3. Statutory Maternity Allowance (SMA)

Am I entitled to occupational maternity pay?

If you work full or part time (excluding bank staff), you will be entitled to paid and unpaid maternity leave under the NHS occupational maternity pay scheme if:

1. You have 12 months continuous service (see definition later) with one or more NHS employers at the beginning of the eleventh week before the expected week of childbirth (EWC)
2. You notify your employer in writing before the end of the fifteenth week before the date of childbirth (or if this is not possible, as soon as is reasonably practicable thereafter):
 - a. Of your intention to take maternity leave
 - b. Of the date you wish to start maternity leave — this can usually be any date from the beginning of the eleventh week before the baby is born but no later than the day following the birth (see paragraph 3 below)
 - c. That you intend to return to work with us or another NHS employer for a minimum period of three months after your maternity leave has ended; if you fail to return, the organisation will take steps to recover the occupational portion of your maternity pay (this will not affect your right to Statutory Maternity Pay);
 - d. That you do not intend to return to work, or are undecided.*

You must also provide a MATB1 form from your midwife or GP giving the expected date of childbirth.

If you qualify (and your maternity leave does not exceed 52 weeks), and it is your intention to return to work, you will receive:

- Eight weeks OMP occupational maternity pay at average earnings (usually means full pay) as defined by SMP rules (calculated at the fifteenth week prior to the EWC), and
- 18 weeks at half of full pay, plus any SMP or maternity allowance, providing the total receivable does not exceed full pay
- 13 weeks lower rate SMP
- 13 weeks unpaid leave.

Can I transfer my additional maternity leave to my partner?

In some circumstances you may be able to exchange some of your maternity leave with your partner's additional paternity leave. This is available to your partner (subject to qualifying conditions) after you have been absent for 20 weeks following the birth of your baby. Please refer to the Paternity/Partner Leave Guidance, as your decision when to return to work will affect your rights to maternity leave and pay.

Am I entitled to Statutory Maternity Pay (SMP)

If you do not qualify for OMP, you may still qualify for SMP if you have had 26 weeks continuous service prior to the fifteenth week of the estimated delivery date with the organisation without a break, and you are equal to or above the lower earnings limit for National Insurance (NI) in the eight weeks up to the fifteenth week before the expected date of childbirth.

SMP is paid for a maximum of 39 weeks. Payment of SMP cannot start prior to the beginning of the eleventh week before the expected week of childbirth (EWC). There are two rates of SMP:

- a. A higher rate - payable for the first six weeks, equivalent of 90% of average weekly earnings
- b. A lower rate - payable for 33 weeks, paid at a fixed standard weekly rate.

What if I am not entitled to OMP or SMP? (Maternity Allowance)

If you have less than 12 months NHS continuous service at the beginning of the eleventh week prior to the EWC and less than 26 weeks service with the organisation at the fifteenth week prior to the EWC and/or your average earnings at the fifteenth week prior to the EWC are less than the NI lower earnings limit, you will not be entitled to OMP or SMP.

You may, however, be entitled to statutory maternity benefits (Maternity Allowance) from the Government Department for Work and Pensions. The Payroll Department will return the original MATB1 and send a SMP1 Form explaining why you do not qualify for SMP, which you must send to the Department of Work and Pensions along with a completed Maternity Allowance form.

What if I do not return to work?

- a. If you declare at the outset that you do not intend to return to work, you will not be entitled to OMP. This will not affect your right to SMP should you qualify (see Appendix 1, Option B).
- b. If you have more than 12 months continuous NHS service at the beginning of the eleventh week before the expected week of confinement (EWC) but less than 26 weeks service with the organisation, and do not wish to return to work, you will receive OMP of 90% of your average weekly earnings for six weeks and your original MAT B1 plus an SMP1 will be sent to you which you must send to the Department of Work and Pensions. See below regarding effect of fixed term contracts. Payroll will write to you and explain your entitlements because if you are able to claim other benefits, this may affect your 90% average weekly earnings.
- c. If you have notified us of your intention to return to work for the same or a different NHS employer and fail to do so within 15 months of the beginning of your maternity leave, you will be liable to refund the whole of your maternity pay, less any SMP received. In cases where the CSU considers that to enforce this provision would cause undue hardship or distress, we have discretion to waive our rights to recovery.

What if I only work for the bank?

If you have only work for the bank prior to taking maternity leave, statutory maternity leave provisions may apply. You will need to provide evidence that you have 26 weeks continuous service at the bank prior to the fifteenth week before the estimated date of delivery, and you are equal to or above the lower earnings limit during the eight-week period prior to the fifteenth week before your baby is due.

How do I calculate continuous service if I work for the bank?

As long as you are available for work for the 26 weeks prior to the fifteenth week before the EWC, you will be treated as having sufficient qualifying service. However your average salary during this period must be above the NI lower earnings limit.

What if I am on a fixed-term contract?

If you are employed under a fixed-term or training contract which expires after the eleventh week before the EWC, and if you satisfy the conditions above, your contract will be extended to allow you to receive the 52 weeks, which includes paid contractual and SMP, and the remaining 13 weeks of unpaid maternity leave.

If you leave the organisation on completion of your fixed term contract to commence at another CSU, and this is during the 11 weeks before EWC, the organisation would be liable to pay the SMP if you qualify and the new CSU would be liable to pay the OMP (less SMP received). Doctors in training should consult medical personnel regarding their option.

You should also bear in mind that:

- Absence on maternity leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service
- If there is no right of return to be exercised because your contract would have ended if pregnancy and childbirth had not occurred, the repayment provisions set out above shall not apply
- If you are on a fixed-term contract and do not meet the 12 months continuous service condition, you may still be entitled to SMP.

How do I calculate my continuous service?

For the purposes of calculating whether you meet the qualification for OMP - to have had 12 months continuous service with one or more NHS employers - the following provisions shall apply:

1. NHS employers include CSUs, Health Authorities, NHS boards, NHS Trusts, Primary Care Trusts and the Northern Ireland Health Service
2. If you have a short break in your service of three months or less, your service will be regarded as continuous (the calculated service will not include the duration of the break). A break in service of three months or less will be disregarded (though not counted as service).

The following breaks in service will also be disregarded (the calculated service will not include the duration of the break):

Eg: Two-month continuous service then a break of one month then re-joined for a further 11 months would equate to continuous service and a qualifying service of 13 months

Six months continuous service then a break of two months then re-joined for a further four months would equate to continuous service but a non-qualifying period of 10 months

- a. Employment under the terms of an honorary contract
- b. Employment as a locum with a general practitioner for a period not exceeding 12 months
- c. A period of up to 12 months spent abroad as part of a programme of postgraduate training on the advice of the postgraduate dean, college or faculty advisor, in the speciality concerned
- d. A period of voluntary service overseas with a recognised international relief organisation for a period of 12 months, which may exceptionally be extended for 12 months
- e. Absence on a employment break scheme in accordance with CSU policy
- f. Absence on maternity leave (paid or unpaid) as provided for under this agreement.

The organisation may, at its discretion, extend the period specified above.

Employment as a trainee with a general medical practitioner in accordance with the provisions of the Trainee Practitioner Scheme, shall similarly be disregarded and count as service.

The organisation also has the discretion to take into consideration other previous NHS service or service with other employers.

SECTION 3 – before commencing maternity leave

When and who do I tell that I am pregnant?

As soon as your pregnancy has been confirmed by your registered medical practitioner or practising midwife, you should inform your manager. He/she needs to know immediately so that arrangements to cover your post can be made as early as possible and also so that any potential health and safety risks can be identified and addressed.

You should ensure that your manager undertakes a [risk assessment](#) initially and subsequently throughout your pregnancy if you feel that your pregnancy compromises you at work.

You should subsequently submit to your manager a statement from a registered medical practitioner or practising midwife, usually called your MAT B1 Certificate (issued no earlier than 20 weeks before EWC) indicating the expected date of childbirth, not less than 28 days before the commencement of leave.

If you wish to change the agreed date of the start of your maternity leave, you must ensure you do this in writing at least 28 days before your new date, (or, if this is not possible, as soon as is reasonably practicable beforehand).

What if I am unable to carry out my normal duties during pregnancy?

If the risk assessment indicates that you should not carry out your normal duties, your manager will agree with you alternative temporary working arrangements.

If, prior to commencing maternity leave, you have health issues associated with your pregnancy and an occupational health doctor considers you to be either incapable of carrying out all or part of your duties, or that you or your unborn child would be at risk if you were to continue in your normal duties, the CSU will seek to provide alternative work with no loss of pay. Where it is not reasonably practicable to offer alternative employment, paid special leave will be given until either suitable alternative employment becomes available/any risk is mitigated, or you become unwell and move into sickness absence pay, or until you commence your maternity leave. Any alternative arrangements should be discussed between your manager and yourself in conjunction with the Occupational Health Service (OHS).

Can I take time off during pregnancy to attend ante-natal classes?

You have the right:

- a. Not to be unreasonably refused time off work to receive ante-natal care
- b. To be paid by the CSU for the permitted time off provided that:
 - you are able to produce a certificate confirming your pregnancy
 - and
 - you are able to provide evidence of appointments to your manager.

What happens when my uniform no longer fits?

If you are required to wear uniform as part of your job, arrangements will be made for maternity clothing. Please discuss your requirements with your manager.

When can I start my maternity leave?

You may start your maternity leave at any time between the eleventh week before and the expected date of childbirth, and you should discuss this with your manager at the earliest opportunity. Maternity leave and SMP may start on any day of the week, prior to the birth of the baby. You must notify us on your Maternity Leave/Pay Application Form (enclosed at Appendix 2), the date on which your maternity leave will commence. You may change these dates provided you give 28 days notice in writing to your manager.

What if I am ill before I start my maternity leave?

If you are absent due to illness, normal provisions for paid sick leave will apply. However, if after the fourth week before your EWC, your illness is attributable to your pregnancy, maternity leave will commence at the beginning of the fourth week before the expected week of childbirth or the beginning of the next week after you last worked, whichever is the later. Please ensure you advise your manager if this is the case.

Odd days of pregnancy-related illness during this period may be disregarded if you wish to continue working until your agreed maternity leave start date. **What happens if my baby is born early?**

If your baby is born prior to the notified leave date, your maternity leave will commence the day after the birth. Payroll should be notified at the earliest opportunity to prevent any overpayment. If your baby is in hospital following an early birth, you may, with the agreement of your manager, split your maternity leave entitlement, taking a short period (which must be a minimum of two weeks) immediately after childbirth, return to work and then take the balance of leave following your child's discharge from hospital.

While your OMP can be split into two periods, SMP cannot, and will stop when you return to work, and will not recommence. You will therefore receive significantly reduced maternity payments overall. You must take advice from the Payroll Department in this situation.

How should I keep in contact with my manager?

Before going on leave, you and your manager should discuss and agree voluntary arrangements for remaining in contact during your maternity leave including:

- Any voluntary arrangements that you may find helpful to remain up to date with developments at work and, nearer the time of your return, to help facilitate your return to work
- Keeping the CSU up to date with any developments that may affect your intended date of return.

Your manager will keep you informed of promotion opportunities and other information relating to your job that you would normally be made aware of if you were at work.

This is not classed as part of the 'keeping in touch' days in which an employee may come into work to attend, eg, training, team meetings or undertake work for up to 10 days while on maternity leave (see Section 4).

What happens to my annual leave while I am away on maternity leave?

Your contractual annual leave entitlement is determined by your current 'Agenda for Change' terms and conditions and will continue to accrue during your paid and unpaid maternity leave in any leave year. Where the amount of accrued annual leave would exceed normal carry-over provisions, you and your manager should agree how this is taken, either before and/or on return from your maternity leave period (including carrying over in excess of five days). Where this is not agreed in advance, normal provisions for annual leave carry-over will apply.

If you request to come back on reduced hours, your manager will ask you to ensure outstanding annual leave is taken before introducing reduced hours. This may include working plus taking annual leave for a period to reflect new part-time working arrangements.

SECTION 4 – during maternity leave

What happens if I have a stillbirth?

In the unfortunate event of a stillbirth after the 24th week of pregnancy, you will retain your original maternity pay and leave entitlements.

If you were to have a miscarriage before the 25th week of pregnancy, normal sick leave provisions will apply as necessary.

Can I work while on maternity leave?

Working for the organisation, including for the bank, while on maternity leave will be considered a return to work and would only be possible as part of 'Keeping In Touch' days (see below).

I have a second job with another employer – can I work while on my maternity leave from the organisation?

This will not affect your rights to OMP or maternity leave at the organisation. However, if you are in receipt of SMP, there may be implications:

- If you are working for the same employer you worked for during the fifteenth week before the baby was born, you will continue to receive SMP
- If you are working for an employer that you did not work for during the fifteenth week before your baby was born, your entitlement to SMP will cease.

What if I just want to work for a day or two during my maternity leave (Keeping In Touch [KIT] days)?

While there is no obligation to provide work, with the agreement of your manager you may work for up to 10 days while on maternity leave without it being classed as a return to work. These days are known as 'Keeping In Touch' days. Each attendance counts as one of your 10 KIT days.

If you are in receipt of maternity pay during any week that you undertake a KIT day/s (either occupational or statutory pay) you will be entitled to receive the greater of either your salary, paid at your normal hourly rate, or your maternity pay. Where you work during unpaid maternity leave, you will be entitled to receive payment at your normal hourly rate for the hours worked. Your manager will be required to inform Payroll via a 'Change of Conditions' form.

It is important that you discuss with your manager at the earliest opportunity your intention to use any 'KIT' days. These discussions should ideally take place before you start your maternity leave.

SECTION 5 – returning to work

When do I have to state my intention to return to work?

You will be asked on the Maternity Leave/Pay Application form whether you intend to return to work for OMP purposes. Once you have submitted this form, the Payroll Department will write to you within 28 days to confirm your return to work date and entitlement to maternity leave and pay.

If your return date remains unchanged, you are not required to give any further notice,

If you are fit and want to return to work before the end of the stated maternity leave period, you must give your manager at least 28 days notice of the date you want to return to work. You must, however, take two weeks maternity leave from the date of childbirth.

We encourage you to discuss your return to work date with your manager at the earliest opportunity so that suitable arrangements are put in place.

What happens if I am ill?

If you are ill on the date you have agreed to return to work following childbirth, you will be entitled to sick leave, in accordance with normal sick leave provisions.

It is your duty to keep your manager informed of any illness or unforeseen change in circumstances that may affect your anticipated date of return. You may also be referred to the Occupational Health Service (OHS) to seek guidance on your fitness to carry out your normal duties.

What are my rights on return to work?

You have the right to return to work after OML (ie, not more than 26 weeks maternity leave) to the same job on the same terms and conditions of employment as if you had not been absent, unless a redundancy situation has arisen.

If you return to work during or after AML (ie, if you have taken more than 26 weeks' maternity leave) you are normally entitled to return to the same job on the same terms and conditions of employment as if you had not been absent. However, if there is a reason why it is not appropriate for you to return to your old job you must be offered a similar job on terms and conditions which are not less favourable than your original job. In these circumstances, your manager would need to consult with you as soon as practically possible about any proposed changes to your job when you return from your maternity leave. Such circumstances would be exceptional and managers would be expected to manage any changes in conjunction with ConSultHR.

You should let your employer know in writing if you are planning to breastfeed when you return to work. Ideally you should do this before you return so that your employer has time to plan.

Can I return to work on reduced hours?

While you have no automatic right to reduce your hours, your manager will consider a request to return to work on reduced hours sympathetically and in line with the CSU's commitment to work-life balance policies. However, this will need to be assessed against the needs of the service. This can be agreed at any time before or during maternity leave, and preferably at the earliest opportunity (see section above on annual leave). If your manager is unable to accommodate your request, it may be possible to accommodate your request in another ward/department. Please see 'Guidance on Flexible Working' for further details.

What happens if I am medically unable to return to work?

Before you return to work, your manager will carry out a risk assessment and you should advise your manager of any special considerations you feel they should accommodate.

If it is found, or a medical practitioner considers, that you or your child would be at risk if you continue with your normal duties, the organisation should provide suitable alternative work for which you will receive your normal rate of pay. Where it is not reasonably practical to offer suitable alternative work, you will be given special leave on full pay until this is resolved.

These provisions also apply if you are breastfeeding, ie, if it is found that your normal duties would prevent you from successfully breastfeeding your child.

If I decide not to return to work after I have had my baby, do I have to repay any of my maternity pay?

If you fail to return to work for three months following your period of maternity leave, the CSU will take steps to recover the OMP, but this does not affect your right to SMP.

If you decide not to return to work, you must hand in your written resignation in the normal way.

Can I return to work with another NHS employer?

The right to pay and leave is not affected if you return to work with another NHS employer, provided you notify the organisation of your intention no later than 28 days before maternity leave is due to end. You must also submit to the CSU, within 15 months of the start of your maternity leave, a copy of your letter of appointment to the other NHS employer. Failure to do this would result in the CSU taking steps to recover the OMP, but this would not affect your right to SMP.

This does not affect the requirement for you to give contractual notice to terminate your employment with us.

If your post has been transferred to another NHS employer, you should advise both parties (former and new employer) on your return to work.

SECTION 6 – other conditions

Do I receive any pay award payment?

Any pay award will continue to be applied in line with your terms and conditions of service.

Does my maternity leave affect any incremental pay?

Absence on maternity leave, whether paid or unpaid, will count towards your normal annual increment in accordance with the 'Terms and Conditions of Service' Handbook. You will normally progress through a Knowledge and Skills Framework (KSF) gateway on the due date, providing concerns had not been raised about your ability to meet your KSF outline prior to maternity leave.

Does my maternity leave affect my NHS Pension Scheme contributions?

If you contribute to the NHS Pension Scheme and are absent on maternity leave, you continue to be liable for pension contributions. You need to consider whether you wish to keep up with your pension contributions. During paid maternity leave, contributions are due on the amount of pensionable pay received. During unpaid maternity leave, contributions are due on the pay actually received immediately prior to going on unpaid maternity leave. Deductions due in the unpaid part of maternity leave will be deducted from your salary over the same period as you were on unpaid leave on your return to work, unless other arrangements have been discussed and agreed with the Pensions Department prior to commencing maternity leave, eg, if you have three months unpaid leave, your additional contributions will be taken over the next three months salary on your return.

How will I receive my maternity pay?

Your maternity pay is paid the same way as your salary. Prior to commencing maternity leave, your manager will sign your Maternity Leave/Pay Application form, and will forward them to the Payroll Department, notifying them of the date your maternity pay should start.

By prior agreement with the Payroll Department, occupational maternity pay may be paid in a different way, for example a combination of full pay and half pay or a fixed amount spread equally over the maternity leave period. Please contact the Payroll Department if you would like to find out more about this.

Does maternity leave affect my continuity of service?

Maternity leave does not count as a break in service.

What about my lease car?

If you are a lease car user, you may return the vehicle to the organisation or continue to make payments during the whole period of your maternity leave. If you do not wish to return to work, your lease car contract will be terminated and any early release penalty charges may be passed on to you.

What if I am a 'regular user'?

Where maternity leave is granted, the lump sum payment should be paid for the remainder of the month in which the car was out of use and for three months thereafter. Payment will then be made at 50% for three months, or until the end of the maternity leave, whichever is less. No further payments will be made (regular user allowances are under review nationally and may be subject to change).

What happens about other deductions from salary while I am away, eg. trade union membership, etc?

Your membership of any of these schemes may be affected or terminated if you do not continue your subscription. Deductions from salary will normally cease during the unpaid part of your maternity leave but are reinstated upon return to paid employment unless other arrangements are agreed with the Payroll Department. You should check with your trade union and other organisations regarding the effect on your membership while deductions have ceased.

How will my salary sacrifice arrangements be affected?

If you currently are a member of the salary sacrifice arrangements, this could affect your pay during your maternity leave. You must seek advice from Payroll, no later than 24 weeks before your expected week of childbirth to discuss your options, as your accountability for continued deductions under this may need to continue, and ensure that you obtain your MAT B1 at the earliest opportunity.

What about other equipment I hold?

If you have a pager, mobile phone, laptop, clinical equipment or any other property, you should discuss with your manager whether these should be returned prior to you commencing your maternity leave.

What if I am pregnant and intend to give the child up under a surrogacy or adoption arrangement?

What the birth mother intends to do with the child has no bearing on the application of the conditions contained in this user guide.

Are there any special arrangements for infertility treatment (eg. IVF)?

No, for absences relating to treatment you should discuss how this time is taken with your manager (eg. annual leave), but you should refer to the sickness policy FAQs regarding sickness absences following treatment. Following confirmation of your pregnancy, the conditions of this user guide will apply.

SECTION 7 – other information

The organisation has a range of policies and practices in place to assist your return to work following maternity leave:

- Childcare voucher schemes
- Career break policy
- Leave policy
- Parental leave policy
- Flexible working policy
- Paternity leave.

You can obtain information on work/life balance policies from ConSultHR. You should discuss the application of these policies with your manager in the first instance.

SECTION 8 – contact for queries

We hope that all goes well with your pregnancy and birth. Please keep in touch with your manager and notify them of any changes in circumstances or queries you may have.

ConSultHR will be able to advise on your entitlement to maternity pay once your Maternity Leave/Pay Application form and MAT B1 certificate have been processed.

Your manager or ConSultHR will also be able to advise on entitlement to maternity leave.

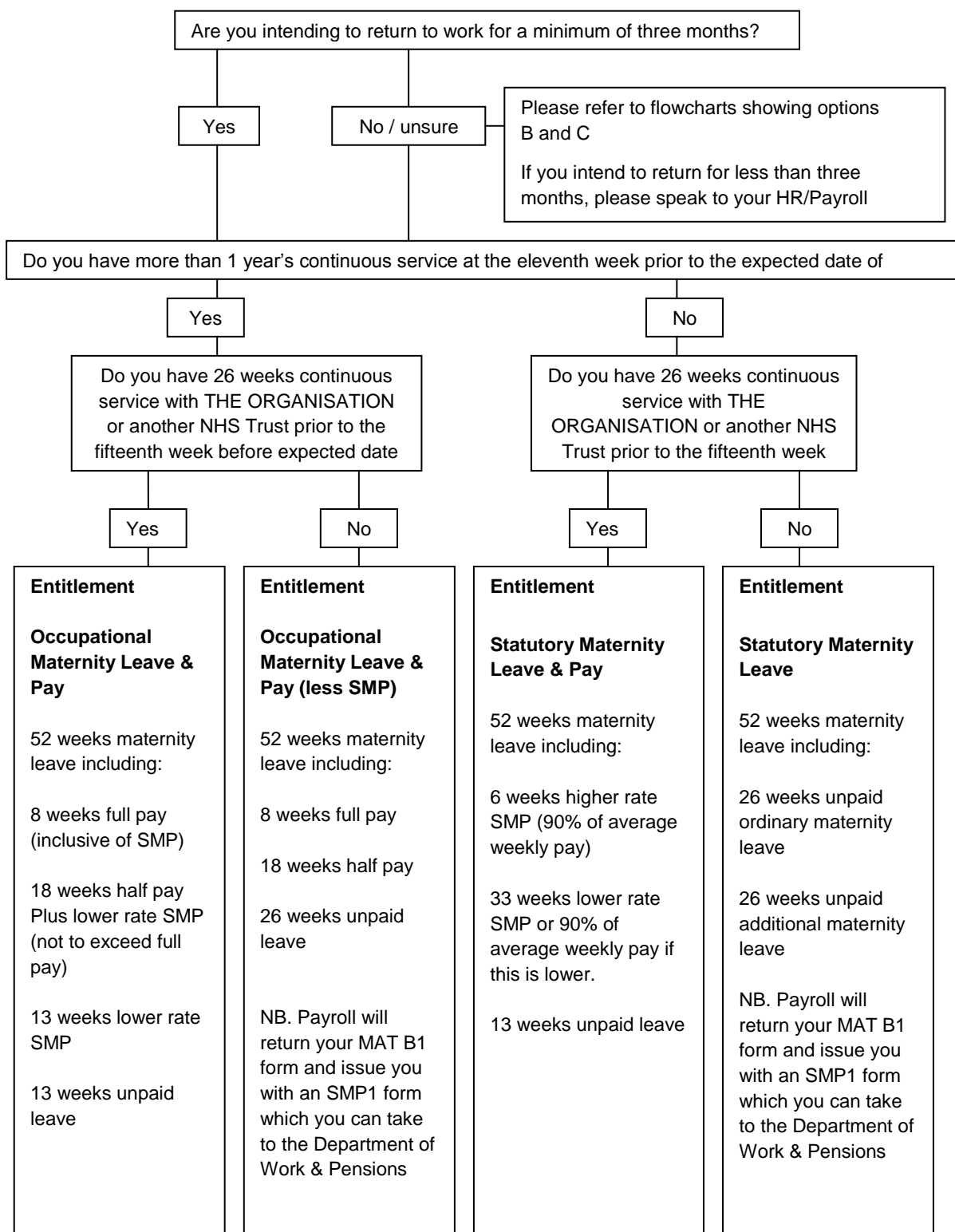
MANAGERS' GUIDE

In addition to the responsibilities highlighted above, managers need to be aware of the following:

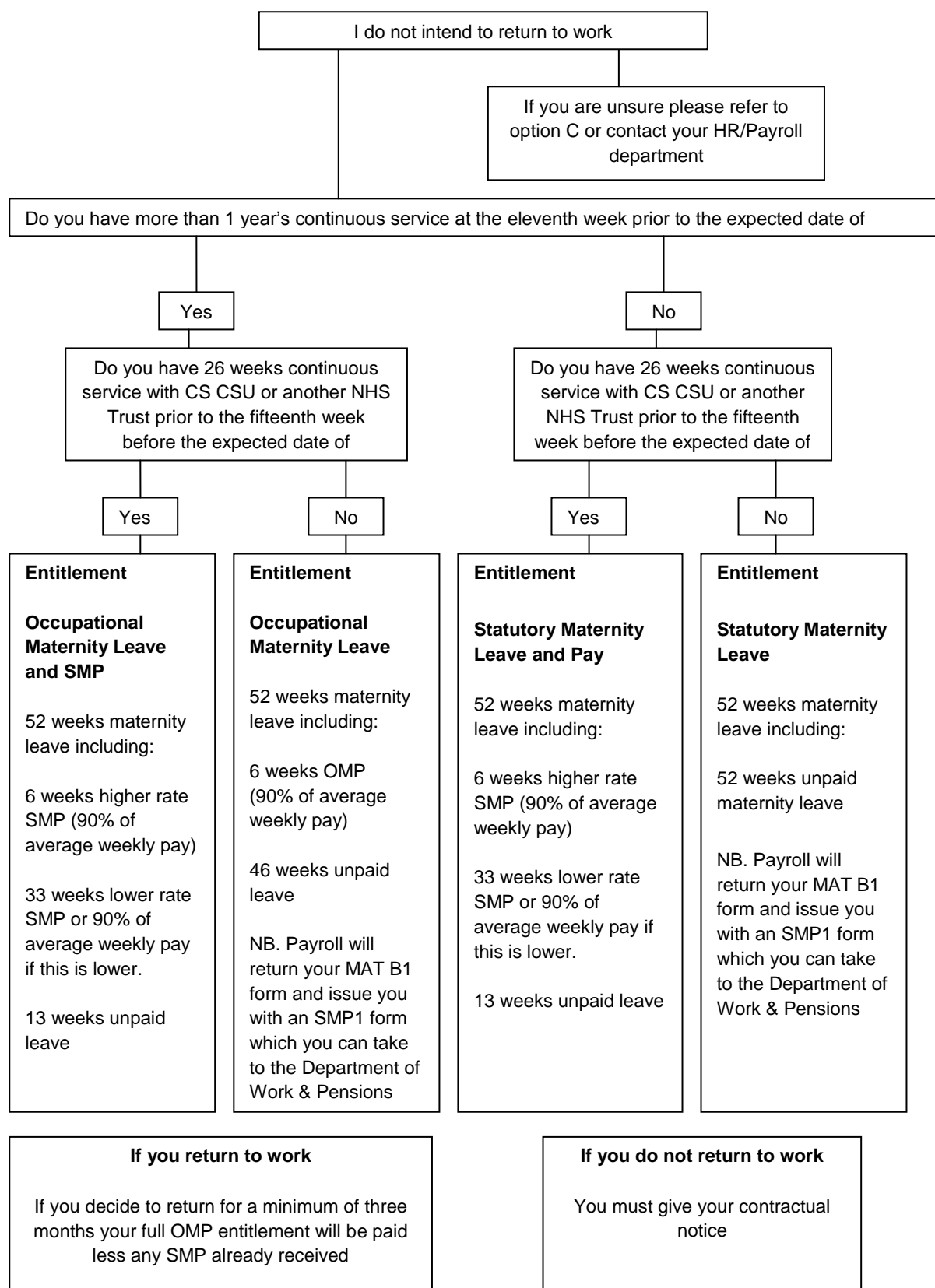
- ***Risk assessments***
- ***Notifying changing dates to payroll***
- ***Notifying keep in touch (KIT) dates to payroll.***

APPENDICES

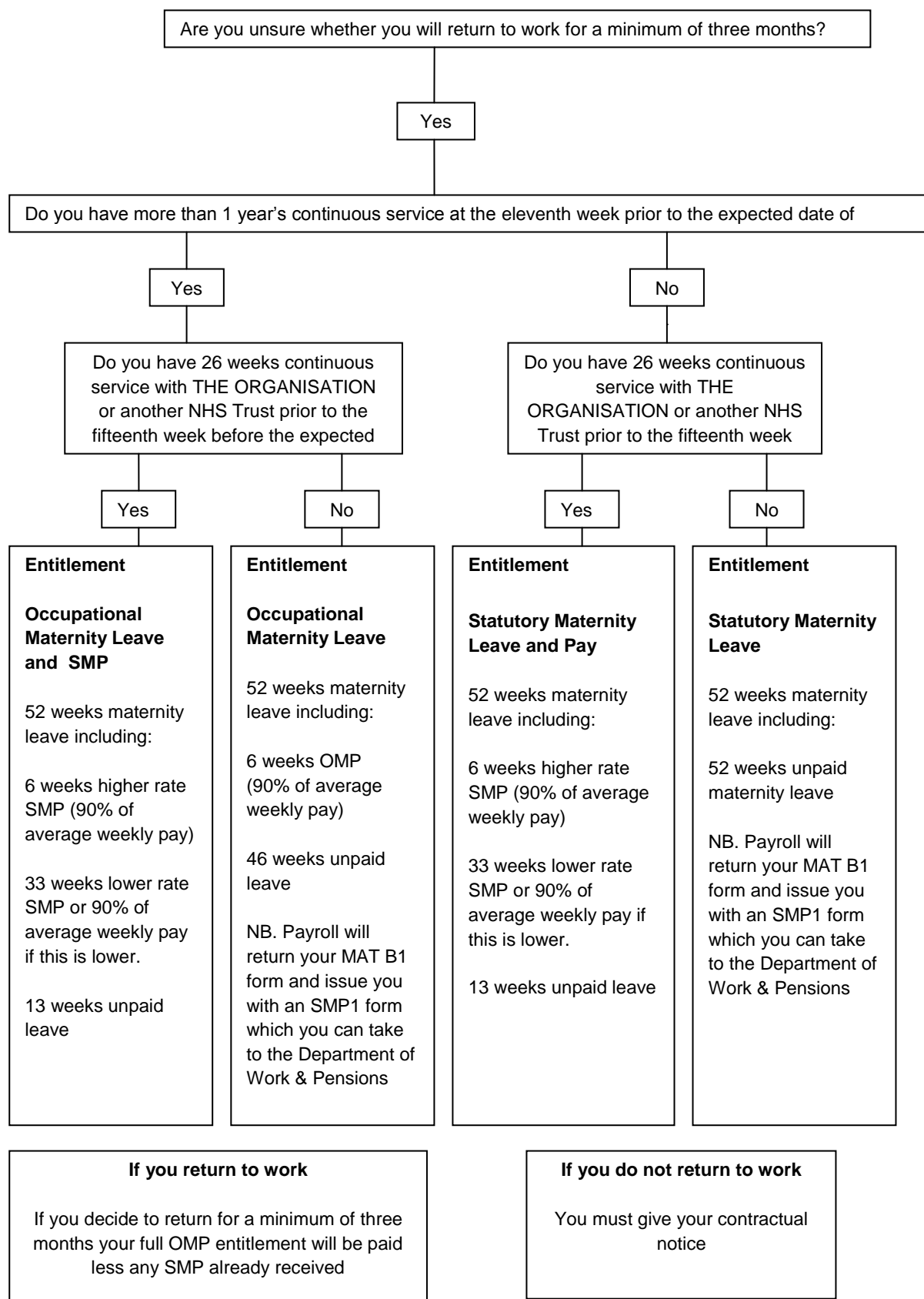
Appendix 1A: Intend to return to work (Option A)



Appendix 1B: Not intending to return to work (Option B)



Appendix 1C: Undecided whether to return to work (Option C)



Appendix 2: Maternity Leave & Pay Application form

CS CSU

Maternity Leave & Pay Application form

This form should be completed **before the end of the fifteenth week before the expected week of childbirth** and your manager should forward it to ConSultHR

The MAT B1 form should be submitted to the ConSultHR **not less than 28 days before commencement of the maternity leave.**

Please Print

Name.....

Address.....

Assignment No.....Band.....

Ward/Dept.....Directorate.....

Line Managers name.....Extn No.....

Start Date with CS CSU.....Start date with NHS.....

Are you on a Term Time or Annualised Hours Contract?.....

Expected date of childbirth (EWC).....

Start date of maternity leave.....

MAT B1 attached or date it will be sent.....

Do you intend to share your maternity leave?.....

Date my partner will commence Additional Paternity Leave.....
(This cannot be before the 20th week following the birth)

Dates of any unpaid leave prior to adoption leave.....

Please tick the Maternity Option you wish to take:

- Option A I intend to return to work
- Option B I do not intend to return to work
- Option C I am undecided

Declaration: Option A

I understand that if I fail to return for a minimum period of three months after the expiry of maternity leave, I am liable to refund any OMP payments received less any SMP entitlements unless I submit a copy of a letter of appointment to another NHS authority within three months.

I have read the Maternity Leave/Pay User Guide which I understand and accept

Signed.....Date.....

Declaration: Options B and C

Completion of this form does not replace the normal requirements for notice and if I have not already done so and decide to leave in the future, I am required to submit my resignation stating the date I intend to terminate my employment.

I have read the Maternity Leave/Pay User Guide which I understand and accept.

Signed.....Date.....

Declaration: All employees taking maternity leave

I understand that a change in my circumstances during payment of SMP may affect my entitlement and therefore I agree to notify my manager and the Payroll Department of any of the following as soon as possible:

- If my actual date of childbirth is earlier than the date I intended to start my maternity leave (SMP cannot start any later than the day after the birth)
- If I start work with another employer after the birth
- If I go abroad (outside the EC)
- If I am taken into legal custody

I have read the Maternity Leave/Pay User Guide which I understand and accept.

Signed.....Date.....

Line Manager Please authorise the above application for maternity leave and keep a copy. A copy of the maternity letter confirming the entitlements will be sent to you.

Signed.....Date.....

ADDITIONAL INFORMATION FOR EMPLOYEES AND MANAGERS

The Maternity Leave/Pay user guide can be found on the intranet page under the HR portal and click into HR policies. It is your responsibility to ensure you have read and understood the policy and you are aware of your entitlements.

If you are pregnant, you have a legal entitlement to 52 weeks maternity leave. The flowcharts summarise the entitlements for each of the different options.

If the employee wishes to change her maternity start date after submitting the form, the manager will need to contact Payroll immediately to inform them of the revised date. Failure to do so may result in payment errors.

SMP cannot be paid if the average earnings are below the lower earnings level for NI (£107 per week for 2012/13 tax year).

If you are returning to work, your manager should complete a Change of Conditions form which states the date of your return to work and confirms the hours to be worked on your return.

If you are not returning to work, your manager must complete a Termination form.

Should you have any change to the choices you have made on your application for maternity leave, you must contact your manager and Payroll with 28 days notice or at the earliest opportunity.

Salary Sacrifice and Childcare Voucher schemes

Salary sacrifice is a contractual arrangement whereby an employee gives up the right to receive part of their cash remuneration for a non-cash benefit.

Salary sacrifice will reduce the average weekly salary used for payment of the maternity pay.

It will be deducted from the OMP but not from the SMP.

If you intend to reduce the time you will be using the childcare facilities during your maternity leave period, it might be beneficial to stop the salary sacrifice to increase the average pay. The average pay is calculated over the eight-week period prior to the fifteenth week before the estimated week of birth, so the Payroll Department will need to have the information by the end of the sixteenth week. Salary sacrifice can be altered if there is a lifestyle change.

The Equality Act states that you cannot be disadvantaged for a salary sacrifice scheme and if you are unable to make the deductions from your OMP when you enter either half or nil pay, the CSU will cover the cost of the salary sacrifice deductions as long as you were part of the scheme prior to your maternity leave.

Appendix 3: Keeping in Touch (KIT) days record form

CS CSU

Keeping In Touch Days (KIT) record form

To be used as a formal record for keeping in touch (KIT) days taken during maternity / adoption / additional paternity leave.

Name of member of staff

Staff number

Directorate / Ward / Department

Name of line manager

KIT DAY (1-10)	DATE KIT DAY TAKEN	PURPOSE / ACTIVITY	STAFF MEMBER'S SIGNATURE	MANAGER'S SIGNATURE	MANAGER'S CONFIRMATION OF NOTIFICATION TO PAYROLL (C of C Form etc)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

Final confirmation of number of KIT days taken during leave from work: _____

Signed:

Date:

Line Manager